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6 Attorneys for Plaintiff

7 Valli Construction, Inc.

8
9 IN THE UNITED STATES DISTRICT COURT

10 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

VALLI CONSTRUCTION, INC.,

11 Plaintiff

12 v.

13
14 CARPENTERS 46 NORTHERN CALIFORNIA
15 COUNTIES CONFERENCE BOARD,

16 Defendant.
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) Case No. C12-02788 JCS

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) **VOLUNTARY DISMISSAL PURSUANT**
) **TO F.R.C.P. 41(a)(1)**

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1 Pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, Plaintiff Valli
2 Construction, Inc. hereby voluntarily requests that this action be dismissed. Defendant Carpenters
3 46 Northern California Counties Conference Board has not served an answer or motion for
4 summary judgment. Plaintiff has not previously dismissed any federal or state court action based
5 on or including the same claim.
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8 Date: August 31, 2012

Respectfully submitted,

9 SIMPSON, GARRITY, INNES & JACUZZI
Professional Corporation

10 By: /s/ Paul V. Simpson
11 PAUL V. SIMPSON, BAR NO. 83878
12 MARINA C. GRUBER, BAR NO. 271542
Attorneys for Plaintiff
Valli Construction, Inc.
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PROOF OF SERVICE BY MAIL

I, the undersigned, hereby declare that I am over the age of eighteen years and not a party to the within action. My business address is 601 Gateway Boulevard, Suite 950, South San Francisco, California 94080.

On the date indicated below, I served by mail a true copy of the following documents:

VOLUNTARY DISMISSAL PURSUANT TO F.R.C.P. 41(a)(1)

I am readily familiar with the practice of this business for collection and processing of documents for mailing with the United States Postal Service. Documents so collected and processed are placed for collection and deposit with the United States Postal Service that same day in the ordinary course of business. The above-referenced document(s) were placed in (a) sealed envelope(s) with postage thereon fully prepaid, addressed to each of the below listed parties and such envelope(s) was (were) placed for collection and deposit with the United States Postal Service on the date listed below at South San Francisco, California.

Ezekiel D. Carder
Weinberg, Roger & Rosenfeld
1001 Marina Village Parkway, Suite 200
Alameda, CA 94501

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 31, 2012, at South San Francisco, California.

/s/ Danielle Monrroy
Danielle Monrroy